

INTERNATIONAL SEARCH REPORT

International Application No

PCT/FR2004/002654

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61M5/50 A61M5/315 A61M5/32

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98/35714 A (RESTELLI, SERGIO; RIGHI, NARDINO) 20 August 1998 (1998-08-20) page 13, line 30 – page 15, line 27 figures 3,5 -----	1,3-8,10
A	WO 02/072182 A (GARTNER JODIE LEIGH ; GLENORD PTY LTD (AU); INGRAM BRUCE WALLACE (A) 19 September 2002 (2002-09-19) page 5, line 16 – page 6, line 6 page 6, line 29 – page 7 figures 1-5 -----	1,4
A	US 6 319 234 B1 (RIGHI NARDINO ET AL) 20 November 2001 (2001-11-20) column 6, line 12 – line 36 column 8, line 43 – line 46 figures 11-14 ----- -/-	1

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

20 May 2005

Date of mailing of the international search report

06/06/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl
Fax: (+31-70) 340-3016

Authorized officer

Sedy, R

INTERNATIONAL SEARCH REPORT

International Application No

PCT/FR2004/002654

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FR 2 653 667 A (FLOQUET NICOLE) 3 May 1991 (1991-05-03) page 2, line 17 – line 26 page 3, line 2 – line 10 figures 1BIS,2,4,5 -----	1,6,12
A	FR 2 835 753 A (PLASTEF INVESTISSEMENTS) 15 August 2003 (2003-08-15) figure 3 -----	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/FR2004/002654

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 9835714	A	20-08-1998		IT SV970007 A1 IT SV970008 A1 AT 252925 T AU 6719198 A CA 2280716 A1 DE 69819352 D1 DE 69819352 T2 WO 9835714 A1 EP 1017436 A1		12-08-1998 12-08-1998 15-11-2003 08-09-1998 20-08-1998 04-12-2003 19-08-2004 20-08-1998 12-07-2000
WO 02072182	A	19-09-2002	WO	02072182 A1 CA 2440898 A1 CN 1505535 A EP 1377331 A1 JP 2004528075 T US 2004147875 A1		19-09-2002 19-09-2002 16-06-2004 07-01-2004 16-09-2004 29-07-2004
US 6319234	B1	20-11-2001	AT	252925 T AU 6719198 A CA 2280716 A1 DE 69819352 D1 DE 69819352 T2 EP 1017436 A1		15-11-2003 08-09-1998 20-08-1998 04-12-2003 19-08-2004 12-07-2000
FR 2653667	A	03-05-1991	FR	2653667 A1 FR 2654629 A2		03-05-1991 24-05-1991
FR 2835753	A	15-08-2003	FR	2835753 A1 AU 2003226872 A1 EP 1474194 A1 WO 03068298 A1		15-08-2003 04-09-2003 10-11-2004 21-08-2003

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

	See Form PCT/ISA/210 (sheet 2)
--	---

Applicant's or agent's file reference H260360DI5MP	FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/FR2004/002654	International filing date (day/month/year) 18.10.2004	Priority date (day/month/year) 22.10.2003
International Patent Classification (IPC) or both national classification and IPC A61M5/50, A61M5/315, A61M5/32		
Applicant PLASTEF INVESTISSEMENTS		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/FR2004/002654

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/FR2004/002654

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding-right: 10px;">Novelty (N)</td> <td style="width: 60%; padding-right: 10px;">Claims</td> <td style="width: 20%;"><u>2, 9, 11-14</u></td> <td style="width: 20%; text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u>1, 3-8, 10</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td style="padding-top: 10px;">Inventive step (IS)</td> <td>Claims</td> <td><u></u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u>1-14</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td style="padding-top: 10px;">Industrial applicability (IA)</td> <td>Claims</td> <td><u>1-14</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u></u></td> <td style="text-align: right;">NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>1 Reference is made to the following document:</p> <p style="margin-left: 40px;">D1: WO 98/35714 A (RESTELLI, SERGIO; RIGHI, NARDINO) 20 August 1998</p> <p>2 INDEPENDENT CLAIM 1</p> <p>2.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1, 3 and 10 does not meet the requirement of novelty defined in PCT Article 33(2). Document D1 describes (see, for example, page 13, line 30 to page 15, line 27, figures 3, 5 and 8) (the references between parentheses apply to this document):</p> <p style="margin-left: 40px;">Protected injection device, comprising a syringe with a syringe body (1), a needle (5), and a piston (3) which can be displaced in this body for an injection, and safety means that comprise a protective sleeve (14), the syringe body (1) and the protective sleeve (14) being able to slide relative</p>			Novelty (N)	Claims	<u>2, 9, 11-14</u>	YES		Claims	<u>1, 3-8, 10</u>	NO	Inventive step (IS)	Claims	<u></u>	YES		Claims	<u>1-14</u>	NO	Industrial applicability (IA)	Claims	<u>1-14</u>	YES		Claims	<u></u>	NO
Novelty (N)	Claims	<u>2, 9, 11-14</u>	YES																							
	Claims	<u>1, 3-8, 10</u>	NO																							
Inventive step (IS)	Claims	<u></u>	YES																							
	Claims	<u>1-14</u>	NO																							
Industrial applicability (IA)	Claims	<u>1-14</u>	YES																							
	Claims	<u></u>	NO																							

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/FR2004/002654

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
------------------	---

to one another between an injection configuration, in which the needle (5) protrudes from the protective sleeve (14) arranged around the syringe body, and a protection configuration, in which the needle (5) extends within said protective sleeve (14), the device comprising a trigger member (108) for triggering the change from the injection configuration (figure 3 without "protective cap (6)") to the protection configuration (figure 5) at the end of injection, the trigger member (108) being integral with the actuating head (8) of the piston (3), and in that it comprises an inhibitor member (21) able to occupy an inhibition position in which said inhibitor member (21) defines a first end-of-injection position of the piston (3) in which the trigger member (108) is unable to trigger the change from the injection configuration to the protection configuration and to be moved relative to this inhibition position in order to permit a second end-of-injection position of the piston in which the trigger member (108) is able to trigger the change from the injection configuration to the protection configuration, and in that, in its inhibition position, the inhibitor member (21) is connected to the piston (3) and integral with the movement of the latter and is able to cooperate in abutment with an element (7) of the device fixed relative to the syringe body (1) in order to define the first end-of-injection position, in that the inhibitor member (21) is able to be separated from the piston (3) or moved relative to the latter in order to allow the second end-of-

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/FR2004/002654
--

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

injection position to be obtained, and in that, in its inhibition position, the inhibitor member (21) is connected to the actuating head (8) of the piston (3).

Consequently, document D1 discloses all the features of claim 1 and in so doing deprives the latter's subject matter of any novelty, in accordance with PCT Article 33(2).

The same argument applies *mutatis mutandis* to the subject matter of independent claims **3 and 10**.

3. DEPENDENT CLAIMS 2, 4-9 and 11

The claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (PCT Article 33(2) and (3)). See for example:

3.1 Novelty

D1, page 13, line 30 - page 51, line 27, figures 3, 5 and 8, for claims 4-8;

3.2 Inventive step

The feature by which *the inhibitor member (34) passes through the head (12B) of the piston (12)* in claims **2, 9 and 11** is merely one of several obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/FR2004/002654
--

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement being involved.
-----------	---

4 INDEPENDENT CLAIM 12

4.1 The solution proposed in claim 12 of the present application is not considered to be inventive (PCT Article 33(3)), the reasons being as follows:

The subject matter of independent claim 12 (the trigger member (52) is connected to the piston (12) and is able to be moved relative to the latter between a position permitting triggering ... and a position unable to permit triggering ...) refers to features representing merely one of several obvious options that a person skilled in the art seeking to solve the stated problem (namely that the change of the injection device at the end of injection in its protection configuration is not triggered systematically; see page 1, lines 33-36) might select, depending on each particular case, and without an inventive step being involved.

5 DEPENDENT CLAIMS 13 AND 14

5.1 Dependent claims 13 and 14 do not contain any features which, in combination with the features of any one of the claims to which they refer, meet the requirements of the PCT in respect of inventive step. This is because it would be obvious for a person skilled in the art to provide catch means on the trigger member and the piston in order to define their mutual positions as described in section 4.1 above.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/FR2004/002654

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Although claims 1, 3, 10 and 12 have been drafted as separate independent claims, it appears that they have the same subject matter and that they differ only by virtue of a variation in the definition of the subject matter for which protection is sought and in the terms used to define their features. Therefore, these claims are not concise and, as such, do not meet the requirements of PCT Article 6.